

EXPLANATORY STATEMENT

AUSTRALIAN CAPITAL TERRITORY SEAT OF GOVERNMENT

(ADMINISTRATION) ACT 1910

CLASSIFICATION OF PUBLICATIONS (AMENDMENT) ORDINANCE 1988

No 14 of 1988

(Issued under the authority of the Minister for the Arts and Territories)

The purpose of the accompanying amendment to the ACT Classification of Publications Ordinance is to allow the Censorship Board to review censorship decisions on films and videotapes

The Ordinance, which came into operation on 1 February 1984, regulates the sale and hire of videotapes within the Australian Capital Territory and requires that all films and videotapes offered for sale and hire must first be classified by the Censorship Board. Currently, a decision so made can only be varied by a review carried out by the Films Board of Review.

Under this Amendment, the Censorship Board will be empowered to review its own decision, on its own motion, after a period of two years has elapsed or at any time at the request of the Attorney-General. The Board will be similarly empowered to review decisions of the Films Board of Review. This review process is designed to allow decisions on films and videotapes to be varied in accordance with changes in community attitudes. All decisions of the Censorship Board will be appealable to the Films Board of Review.

Details of this Amendment Ordinance are as follows:

Section 1 provides that the Ordinance may be cited as the Classification of Publications (Amendment) Ordinance 1988.

Section 2 provides for the commencement of this Ordinance on a date to be fixed by the Minister for the Arts and Territories.

Section 3 provides that the "Principal Ordinance" referred to is the Classification of Publications Ordinance 1983

Section 4 inserts new section 22A into the Principal Ordinance, which defines the "previous decision" to cover classification decisions of the Censorship Board, a member of the Board or a Deputy Censor and decisions of the Films Board of Review setting aside or varying those decisions.

Section 5 inserts new section 28A which requires the Censorship Board to review a decision at the direction of the Attorney-General. Such a direction may be given at any time in relation to a decision of the Films Board of Review and after the expiration of 2 years from a decision of the Censorship Board.

Similarly, the Censorship Board is empowered to review its own decisions of its own motion after the expiration of 2 years from the date of its first decision.

Section 5 also inserts new section 28B which requires the Chief Censor to furnish notice of a proposed review not later than 30 days before the review. Notice is to be published in the Gazette and served in writing on the person who applied for the original classification and on the publisher of the film.

The parties so notified may, within 30 days of the service of the notice, or following the publication of the notice in the Gazette, make a written submission to the Censorship Board about

- (i) whether the film should be classified or refused classification;
- (ii) the appropriate classification of the film; and
- (iii) whether related advertising matter should be approved or refused approval.

Section 5 also inserts new section 28C which empowers the Censorship Board, in conducting its review, to confirm or vary a previous decision. In so doing, it may refuse to classify the film. It has similar powers over related advertising matter.

The review of previous decisions is to be carried out in accordance with the criteria applying to classification that are contained in the Principal Ordinance.

3.

Section 6 amends section 29 by altering the procedures followed by the Chief Censor in recording, and in notifying persons of, decisions so as to reflect his role in reviewing those decisions.

Section 7 amends section 30 of the Principal Ordinance to reflect the proposed role of the Board in reviewing previous decisions so as to ensure that review decisions may be appealed to the Films Board of Review in the same manner as original decisions.